

ASSEMBLY BILL

No. 663

Introduced by Assembly Member Gomez

February 21, 2013

An act to amend Section 1562.3 of the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 663, as introduced, Gomez. Residential care facilities: administrators: training requirements.

Existing law requires the Director of Social Services, in consultation with the Director of Health Care Services and the Director of Developmental Services, to establish a training program to ensure that licensees, operators, and staffs of adult residential care facilities have appropriate training to provide the care and services for which a license or certificate is issued. Existing law also requires the administrator of an adult residential care facility to undergo 35 hours of training, including specified subjects, including business operations and the psychosocial needs of the facility residents.

This bill would require the administrator training to be a total of 40 hours and would require that the training include 5 hours of training in cultural competency and sensitivity in aging lesbian, gay, bisexual, and transgender minority issues.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1562.3 of the Health and Safety Code is amended to read:

1562.3. (a) The Director of Social Services, in consultation with the Director of Health Care Services and the Director of Developmental Services, shall establish a training program to ensure that licensees, operators, and staffs of adult residential *care* facilities, as defined in paragraph (1) of subdivision (a) of Section 1502, have appropriate training to provide the care and services for which a license or certificate is issued. The training program shall be developed in consultation with provider organizations.

(b) (1) An administrator of an adult residential care facility, as defined in paragraph (1) of subdivision (a) of Section 1502, shall successfully complete a department-approved certification program pursuant to subdivision (c) prior to employment.

(2) In those cases where the individual is both the licensee and the administrator of a facility, the individual shall comply with both the licensee and administrator requirements of this section.

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility.

(4) The licensee shall notify the department within 30 days of any change in administrators.

(c) (1) The administrator certification program shall require a minimum of ~~35~~ 40 hours of classroom instruction that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of the type of facility for which the applicant will be an administrator.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial needs of the facility residents.

(E) Community and support services.

(F) Physical needs for facility residents.

(G) Use, misuse, and interaction of medication commonly used by facility residents.

(H) Resident admission, retention, and assessment procedures.

(I) Nonviolent crisis intervention for administrators.

1 (J) *Five hours of training on cultural competency or sensitivity*
2 *in aging lesbian, gay, bisexual, and transgender minority issues.*

3 (2) The requirement for ~~35~~ 40 hours of classroom instruction
4 pursuant to this subdivision shall not apply to persons who were
5 employed as administrators prior to July 1, 1996. A person holding
6 the position of administrator of an adult residential facility on June
7 30, 1996, shall file a completed application for certification with
8 the department on or before April 1, 1998. In order to be exempt
9 from the ~~35-hour~~ 40-hour training program and the test component,
10 the application shall include documentation showing proof of
11 continuous employment as the administrator of an adult residential
12 facility between, at a minimum, June 30, 1994, and June 30, 1996.
13 An administrator of an adult residential facility who became
14 certified as a result of passing the department-administered
15 challenge test, that was offered between October 1, 1996, and
16 December 23, 1996, shall be deemed to have fulfilled the
17 requirements of this paragraph.

18 (3) Unless an extension is granted to the applicant by the
19 department, an applicant for an administrator's certificate shall,
20 within 60 days of the applicant's completion of classroom
21 instruction, pass the written test provided in this section.

22 (d) The department shall not begin the process of issuing a
23 certificate until receipt of all of the following:

24 (1) A certificate of completion of the administrator training
25 required pursuant to this chapter.

26 (2) The fee required for issuance of the certificate. A fee of one
27 hundred dollars (\$100) shall be charged by the department to cover
28 the costs of processing the application for certification.

29 (3) Documentation from the applicant that he or she has passed
30 the written test.

31 (4) Submission of fingerprints. The department and the
32 Department of Justice shall expedite the criminal record clearance
33 for holders of certificates of completion. The department may
34 waive the submission for those persons who have a current
35 clearance on file.

36 (e) It shall be unlawful for any person not certified under this
37 section to hold himself or herself out as a certified administrator
38 of an adult residential facility. ~~Any~~ A person willfully making any
39 false representation as being a certified administrator is guilty of
40 a misdemeanor.

(f) (1) Certificates issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the core of knowledge specified in subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through online courses. All other continuing education hours shall be completed in a classroom setting. For purposes of this section, an individual who is an adult residential facility administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, shall be permitted to have up to 24 of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. Community college course hours approved by the regional centers shall be accepted by the department for certification.

(2) Every licensee and administrator of an adult residential facility is required to complete the continuing education requirements of this subdivision.

(3) Certificates issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate, except that any administrator receiving his or her initial certification on or after January 1, 1999, shall make an irrevocable election to have his or her recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification. The department shall send a renewal notice to the certificate holder 90 days prior to the expiration date of the certificate. If the certificate is not renewed prior to its expiration date, reinstatement shall only be permitted after the certificate holder has paid a delinquency fee equal to three times the renewal fee and has provided evidence of completion of the continuing education required.

(4) To renew a certificate, the certificate holder shall, on or before the certificate expiration date, request renewal by submitting to the department documentation of completion of the required continuing education courses and pay the renewal fee of one hundred dollars (\$100), irrespective of receipt of the department's notification of the renewal. A renewal request postmarked on or

1 before the expiration of the certificate is proof of compliance with
2 this paragraph.

3 (5) A suspended or revoked certificate is subject to expiration
4 as provided for in this section. If reinstatement of the certificate
5 is approved by the department, the certificate holder, as a condition
6 precedent to reinstatement, shall submit proof of compliance with
7 paragraphs (1) and (2) of subdivision (f) and shall pay a fee in an
8 amount equal to the renewal fee, plus the delinquency fee, if any,
9 accrued at the time of its revocation or suspension. Delinquency
10 fees, if any, accrued subsequent to the time of its revocation or
11 suspension and prior to an order for reinstatement, shall be waived
12 for one year to allow the individual sufficient time to complete the
13 required continuing education units and to submit the required
14 documentation. Individuals whose certificates will expire within
15 90 days after the order for reinstatement may be granted a
16 three-month extension to renew their certificates during which
17 time the delinquency fees shall not accrue.

18 (6) A certificate that is not renewed within four years after its
19 expiration shall not be renewed, restored, reissued, or reinstated
20 except upon completion of a certification training program, passing
21 any test that may be required of an applicant for a new certificate
22 at that time, and paying the appropriate fees provided for in this
23 section.

24 (7) A fee of twenty-five dollars (\$25) shall be charged for the
25 reissuance of a lost certificate.

26 (8) A certificate holder shall inform the department of his or
27 her employment status within 30 days of any change.

28 (g) The certificate shall be considered forfeited under the
29 following conditions:

30 (1) The administrator has had a license revoked, suspended, or
31 denied as authorized under Section 1550.

32 (2) The administrator has been denied employment, residence,
33 or presence in a facility based on action resulting from an
34 administrative hearing pursuant to Section 1522 or Section 1558.

35 (h) (1) The department, in consultation with the State
36 Department of Health Care Services and the State Department of
37 Developmental Services, shall establish, by regulation, the program
38 content, the testing instrument, the process for approving
39 certification training programs, and criteria to be used in
40 authorizing individuals, organizations, or educational institutions

1 to conduct certification training programs and continuing education
2 courses. These regulations shall be developed in consultation with
3 provider organizations, and shall be made available at least six
4 months prior to the deadline required for certification. The
5 department may deny vendor approval to any agency or person in
6 any of the following circumstances:

7 (A) The applicant has not provided the department with evidence
8 satisfactory to the department of the ability of the applicant to
9 satisfy the requirements of vendorization set out in the regulations
10 adopted by the department pursuant to subdivision (i).

11 (B) The applicant person or agency has a conflict of interest in
12 that the person or agency places its clients in adult residential
13 facilities.

14 (C) The applicant public or private agency has a conflict of
15 interest in that the agency is mandated to place clients in adult
16 residential facilities and to pay directly for the services. The
17 department may deny vendorization to this type of agency only as
18 long as there are other vendor programs available to conduct the
19 certification training programs and conduct education courses.

20 (2) The department may authorize vendors to conduct the
21 administrator's certification training program pursuant to provisions
22 set forth in this section. The department shall conduct the written
23 test pursuant to regulations adopted by the department.

24 (3) The department shall prepare and maintain an updated list
25 of approved training vendors.

26 (4) The department may inspect certification training programs
27 and continuing education courses, including online courses, at no
28 charge to the department, to determine if content and teaching
29 methods comply with regulations. If the department determines
30 that any vendor is not complying with the intent of this section,
31 the department shall take appropriate action to bring the program
32 into compliance, which may include removing the vendor from
33 the approved list.

34 (5) The department shall establish reasonable procedures and
35 timeframes not to exceed 30 days for the approval of vendor
36 training programs.

37 (6) The department may charge a reasonable fee, not to exceed
38 one hundred fifty dollars (\$150) every two years to certification
39 program vendors for review and approval of the initial 35-hour
40 training program pursuant to subdivision (c). The department may

1 also charge the vendor a fee not to exceed one hundred dollars
2 (\$100) every two years for the review and approval of the
3 continuing education courses needed for recertification pursuant
4 to this subdivision.

5 (7) (A) A vendor of online programs for continuing education
6 shall ensure that each online course contains all of the following:

7 (i) An interactive portion in which the participant receives
8 feedback, through online communication, based on input from the
9 participant.

10 (ii) Required use of a personal identification number or personal
11 identification information to confirm the identity of the participant.

12 (iii) A final screen displaying a printable statement, to be signed
13 by the participant, certifying that the identified participant
14 completed the course. The vendor shall obtain a copy of the final
15 screen statement with the original signature of the participant prior
16 to the issuance of a certificate of completion. The signed statement
17 of completion shall be maintained by the vendor for a period of
18 three years and be available to the department upon demand. Any
19 person who certifies as true any material matter pursuant to this
20 clause that he or she knows to be false is guilty of a misdemeanor.

21 (B) Nothing in this subdivision shall prohibit the department
22 from approving online programs for continuing education that do
23 not meet the requirements of subparagraph (A) if the vendor
24 demonstrates to the department's satisfaction that, through
25 advanced technology, the course and the course delivery meet the
26 requirements of this section.

27 (i) The department shall establish a registry for holders of
28 certificates that shall include, at a minimum, information on
29 employment status and criminal record clearance.